

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3210 of 2022

Arising Out of PS. Case No.-273 Year-2019 Thana- MANSI District- Khagaria

NAND LAL YADAV @ NANDAN Son of Jawahar Yadav Resident of village
- New Bangalia, Police Station - Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Adv.
For the State	:	Mr.Md. Matloob Rab, APP
For the Informant		Mrs. Vaishnavi Singh, Adv.
		Mr. Ritwik Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mansi P.S. Case No. 273 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 302, 120(B), 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 29.08.2021, charge-sheet has been submitted in the case and has antecedent of one case.

The learned counsel for the petitioner further submits that the informant alleges that on 07.12.2019 at 10.00 A.M., the informant and his brother and 4-5 persons were making election



campaign for the purpose of PACS Chairman in favour of the candidate, Abdul Salam and when they at 2.00 P.M. reached Jangli Tola, when all the 14 named accused persons including the petitioner surrounded them and started abusing them. Further, Manoj Yadav fired at the brother of the informant hitting him on his chest and thereafter, Ranjit Yadav also fired. Thereafter, it is alleged that the brother of the informant tried to escape, but Nandlal Yadav (petitioner), Ravindra Yadav and Subodh Yadav also fired causing injury to the brother of the informant and when the informant along with other went to save his brother, all the accused persons started firing causing injury on the hand of Abdul Salam.

The learned counsel for the petitioner submits that no doubt, it is alleged that this petitioner was also one of the accused, out of five, who fired at the deceased, but then the allegation of firing appears to be general and omnibus when the allegation against Manoj Yadav is specific that he fired at the chest. The learned counsel thus submits that from the allegation, it cannot be culled out that on which part of the body of the deceased, the petitioner fired. It is further submitted that co-accused Manoj Yadav has been granted bail by order dated 04.08.2021 in Cr. Misc. No.31376 of 2021.



Learned counsel for the informant as well as learned A.P.P. opposes the bail application and the learned counsel submits that no doubt specific allegation of firing is against Manoj Yadav but then in the FIR it is also alleged that this petitioner along with Ravindra Yadav and Subodh Yadav fired causing injury to the brother of the informant on his back, waist and shoulder, further there are two firearm injuries on the shoulder.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that allegation of firing against the petitioner and other accused persons is general and omnibus in nature and further from the allegation it cannot be culled out that on which part of the body of the deceased, the petitioner fired. Learned counsel for the informant is also not able to meet the submission of the learned counsel for the petitioner that co-accused Manoj Yadav has been granted bail as aforesaid.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and co-accused Manoj Yadav has been granted bail and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be



released on bail on his furnishing bail bonds in the sum of Rs.
10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned Court below where
the case is pending in connection with Mansi P. S. Case No. 273
of 2019.

(Satyavrat Verma, J)

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